

United States  
Circuit Court of Appeals  
For the Ninth Circuit.

AMANDO DIDENTI,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

Transcript of Record.

Upon Appeal from the United States District Court for  
the Western District of Washington,  
Southern Division.

FILED

JUL 1 - 1930

PAUL P. O'BRIEN,  
CLERK



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Circuit Court of Appeals  
For the Ninth Circuit.

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF ATTORNEYS  
OF RECORD.

PAGE, T. D., 521 McDowall Bldg., Seattle, Wash-  
ington,

Attorney for Appellant.

SAVAGE, ANTHONY, U. S. District Attorney  
for the Western District of Washington,  
Seattle, Washington,

McCUTCHEON, JOHN T., Assistant U. S. Dis-  
trict Attorney for the Western District of  
Washington, Tacoma, Washington,

MALLERY, JOSEPH A., Assistant U. S. District  
Attorney for the Western District of Washing-  
ton, Tacoma, Washington,

Attorneys for Appellee. [1\*]

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(Wash. 9543)

United States District Court, Western District of  
Washington, Southern Division.

July, 1929, Term.

No. 14,134.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALBERT DIDENTI, JOHN HUGGLER, and  
JACK ESARA,

Defendants.

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\*Page-number appearing at the foot of page of original certified  
Transcript of Record.

## INDICTMENT.

Vio. Sec. 37 Penal Code, Conspiracy to Violate the Act of Oct. 28, 1919, Known as the National Prohibition Act, and Vio. Secs. 3281 and 3282 R. S.

United States of America,  
Western District of Washington,  
Southern Division,—ss.

The grand jurors of the United States of America, being duly selected, impaneled, sworn and charged to inquire within and for the Southern Division of the Western District of Washington, upon their oaths present: [2]

## COUNT I.

That ALBERT DIDENTI, JOHN HUGGLER, and JACK ESARA, on or about the first day of June, in the year of our Lord one thousand nine hundred and twenty-nine, within the Southern Division of the Western District of Washington, and within the jurisdiction of this court, then and there being, did then and there knowingly, willfully, unlawfully, and feloniously combine, conspire, confederate and agree together, and with each other, and together with sundry and divers other persons to the grand jurors unknown, to commit certain offenses against the United States, that is to say, to manufacture, possess, transport, and sell intoxicating liquor unlawfully and illegally for beverage purposes, to wit, whiskey, then



and there containing more than one-half of one per centum of alcohol by volume, being then and there fit for use for beverage purposes, in violation of Sections 3 and 6 of Title II of the provisions of the Act of Congress passed October 28, 1919, and known as the National Prohibition Act, all of which was done with the willful, unlawful, and felonious intent of violating the aforesaid provisions of the aforesaid Act. That said conspiracy was and is a continuing conspiracy, continuing from the first day of June, 1929, to the time of the presentment of this indictment.

#### OVERT ACTS.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present that after the formation of said conspiracy and in pursuance thereof, and in order to effect the object of the aforesaid conspiracy, and for the purpose of executing said unlawful conspiracy and agreement, the herein-after mentioned parties, [3] within the Southern Division of the Western District of Washington, and within the jurisdiction of this court, then and there being, did certain overt acts, that is to say:

1. That on or about the 1st day of August, 1929, said ALBERT DIDENTI, JOHN HUGGLER, and JACK ESARA, in said division and district, did ferment, approximately, two thousand five hundred (2,500) gallons of mash fit for distillation purposes, at those certain premises known as the ranch of the said John Huggler, located on East 64th Street, near Tacoma, Washington.

2. That on or about the 2d day of August, 1929, said ALBERT DIDENTI, in said division and district, did transport, approximately, four hundred (400) pounds of *Celulose* sugar and four hundred (400) pounds of Argo corn sugar, on the said ranch of the said John Huggler, located on East 64th Street, near Tacoma, Washington.

3. That on or about the 2d day of August, 1929, said ALBERT DIDENTI, JOHN HUGGLER, and JACK ESARA, in said division and district, did possess, approximately, seventy-three (73) gallons of whiskey at the said ranch of the said John Huggler, located on East 64th Street, near Tacoma, Washington.

4. That on or about the 2d day of August, 1929, said ALBERT DIDENTI, JOHN HUGGLER, and JACK ESARA, in said division and district, did have in their possession one (1) 350-gallon still at the said ranch of the said John Huggler, located on East 64th Street, near Tacoma, Washington. [4]

5. That said ALBERT DIDENTI, JOHN HUGGLER, and JACK ESARA, on or about the 2d day of August, 1929, in said division and district, did manufacture, approximately, seventy-three (73) gallons of whiskey at the said ranch of the said John Huggler, located on East 64th Street, near Tacoma, Washington.

6. That said ALBERT DIDENTI, JOHN HUGGLER, and JACK ESARA, on or about the 2d day of August, 1929, in said division and district, did have in their possession five (5) five hundred

gallon vats, two (2) pressure tanks, and two (2) burners at the said ranch of the said John Huggler, located on East 64th Street, near Tacoma, Washington.

Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America. [5]

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

### COUNT II.

That ALBERT DIDENTI, JOHN HUGGLER, and JACK ESARA, on or about the second day of August, in the year of our Lord one thousand nine hundred and twenty-nine, near Tacoma, Washington, and at those certain premises known as the ranch of the said John Huggler, located on East 64th Street, near said Tacoma, Washington, in the Southern Division of the Western District of Washington, within the jurisdiction of this court, and within the Internal Revenue Collection District of Washington, then and there being, did then and there knowingly, willfully, unlawfully, and feloniously carry on the business of a distiller of spirits, without having given bond as required by law; contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America. [6]

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

### COUNT III.

That ALBERT DIDENTI, JOHN HUGGLER,

and JACK ESARA, on or about the second day of August, in the year of our Lord one thousand nine hundred and twenty-nine, near Tacoma, Washington, and at those certain premises known as the ranch of the said John Huggler, located on East 64th Street, near said Tacoma, Washington, in the Southern Division of the Western District of Washington, within the jurisdiction of this court, and within the Internal Revenue Collection District of Washington, then and there being, did then and there knowingly, willfully, unlawfully, and feloniously make and ferment, approximately, two thousand five hundred (2,500) gallons of a certain mash, wort, or wash, fit for distillation of spirits, in a certain building, to wit, that certain chicken-house or outbuilding situated on said premises, not then and there a distillery duly authorized according to law; contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

ANTHONY SAVAGE,

United States Attorney.

JOHN T. McCUTCHEON,

Assistant United States Attorney. [7]

[Indorsed]: A true bill.

E. J. CRARY,

Foreman Grand Jury.

[Indorsed]: Presented to the Court by the Foreman of the Grand Jury in open court in the pres-

ence of the Grand Jury, and filed in the U. S. District Court. Oct. 17, 1929. Ed M. Lakin, Clerk.  
[8]

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### VERDICT.

We, the jury empanelled in the above-entitled cause, find the defendant Amando Didenti is guilty as charged in Count I of the indictment filed herein; and further find the defendant Amando Didenti not guilty as charged in Count II of the indictment filed herein; and further find the defendant Amando Didenti not guilty as charged in Count III of the indictment filed herein; and further find the defendant John Huggler not guilty as charged in Count I of the indictment filed herein; and further find the defendant John Huggler not guilty as charged in Count II of the indictment filed herein; and further find the defendant John Huggler not guilty as charged in Count III of the indictment filed herein; and further find the defendant Jack Esara not guilty as charged in Count I of the indictment filed herein; and further find the defendant Jack Esara not guilty as charged in Count II of the indictment filed herein; and further find the defendant Jack Esara not guilty as charged in Count III of the indictment filed herein.

L. A. DRINKWINE,  
Foreman.

[Indorsed]: Filed Nov. 15, 1929. [9]

COPY OF RECORD FROM JUDGMENT AND  
DECREE JOURNAL.

At a regular session of the United States District Court for the Western District of Washington, held at Tacoma, in the Southern Division of said District on the 23d day of December, 1929, the Honorable EDWARD E. CUSHMAN, United States District Judge presiding, among other proceedings had, were the following, truly taken and correctly copied from the Judgment and Decree Journal of said court as follows:

No. 14,134.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AMANDO DIDENTI,

Defendant.

## JUDGMENT AND SENTENCE.

On this 23d day of December, 1929, defendant comes into court in his own proper person for sentence and being informed of the charges against him in this cause and of his conviction of record herein, he is asked whether he has any legal cause to show why sentence should not be passed and judgment had against him at this time, he nothing says save as before he hath said. Wherefore, by reason of the law and the premises, it is by the Court ordered, adjudged and decreed that defend-

ant is guilty of violating Section 37, Penal Code (Conspiracy to Violate National Prohibition Act), and that he be punished by being imprisoned in the Pierce County Jail, or in such other prison as may be hereafter provided for the confinement of persons convicted of offenses against the laws of the United States for the period of Eight Months on Count I of the indictment, and on December 27, 1929, the U. S. Marshal is to take defendant into his custody and carry this sentence into execution.  
[10]

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COPY OF RECORD FROM COURT JOURNAL.

At a regular session of the United States District Court for the Western District of Washington, held at Tacoma, in the Southern Division of said District on the 25th day of November, A. D. 1929, the Honorable EDWARD E. CUSHMAN, United States District Judge presiding, among other proceedings had, were the following, truly taken and correctly copied from the Journal Record of said court, as follows:

No. 14,134.

UNITED STATES OF AMERICA

vs.

AMANDO DIDENTI,

Defendant.

HEARING ON MOTION IN ARREST OF  
JUDGMENT AND ON MOTION FOR NEW  
TRIAL.

On this 25th day of November, this cause comes on for hearing of defendant's motion in arrest of judgment and motion for new trial, argued by Asst. U. S. Attorney Mallery and T. D. Page. The motions are denied and exceptions allowed. [11]

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No. 14,134.

AMENDED BILL OF EXCEPTIONS.

BE IT REMEMBERED, that on the 15th day of December, 1929, in the afternoon thereof, the above-entitled cause came on regularly for trial in the above-entitled court before the Honorable Judge, EDWARD E. CUSHMAN; and the plaintiff appearing by Anthony Savage, United States Attorney, and through his deputy, Joseph Mallery; and defendants John Huggler and Jack Esaro, being defended by Attorney Lloyd, and Amando Didenti, appearing in person and being defended by his attorney, T. D. Page.

Thereafter the jury was regularly empanelled and sworn to try said cause, and the parties having made their opening statements, the following named witnesses on behalf of plaintiff were called by the Government: G. A. Gralton, H. W. Raney, Harold Bird, and C. H. Griffith.



TESTIMONY OF H. W. RANEY, FOR THE  
GOVERNMENT.

H. W. RANEY testified as follows, to wit:

Stating that he was a legal deputized United States prohibition officer, and that on the 2d day of August, 1929, at about 10 P. M., he and Agents Gralton and Bird went to the place of John Huggler on East 64th Street, Tacoma, with a federal search-warrant. They went into the chicken-house at the rear of the place. The odor of fermenting mash could be detected at a distance, and upon examination the officers found the still not in operation. While the agents were watching the still-house the dogs at the residence began to bark and the agents could soon hear men talking. Jack Esaro and John Huggler entered the still-house and were there for about ten minutes and then started out the door. At this time they were placed under arrest by Agents Bird and Gralton. Agent Raney then waited in the front yard until about 11:15 P. M., when a Chrysler sedan drove in and on past the house to the chicken-house or still-house. It stopped and the lights were turned out. Amando Didenti was arrested as the driver of this car, which contained 400 lbs. *cerolose* sugar, 400 lbs. Argo corn sugar, 3 10-gallon kegs, and 50 lbs. of yeast. Amando Didenti stated that the Chrysler "65" sedan belonged to the [12] Baker U-Drive Company, and was rented from them at about 9:30 or 10:00 that night. He also stated that he had

(Testimony of H. W. Raney.)

rented a car from them once before. Agents Gralton and Bird testified to substantially the same facts as Agent Raney. They testified they didn't know about the connection of Guarrazzino Guarrazi with this still until after the indictment in this case was returned.

#### TESTIMONY OF G. H. GRIFFITH, FOR THE GOVERNMENT.

G. H. GRIFFITH was called by the Government and testified as follows: That he was a deputy qualified prohibition officer for the United States Government, and that on or about the 2d day of August he saw the defendant Amando Didenti on the streets of Tacoma, in the evening of the day that he was arrested, the same being the 2d day of August, 1929, about the hour of 8 o'clock; that he accosted him and talked with him, and knew that he had the sugar and articles in his car, that he had in his possession when he was arrested at the place where the still was found at 64th Street, near Tacoma, Washington, and that said defendant there afterwards alluded him from following the said defendant; that he afterwards saw him driving that same evening in another car other than the one he saw him with earlier in the evening.

Whereupon the defendant, Amando Didenti, through his attorney, T. D. Page, moved for a dismissal of said cause, and the discharge of said jury, upon the ground of the insufficiency of the

(Testimony of Amando Didenti.)

evidence to convict the defendant; said motion was overruled and objection allowed.

Whereupon the defendant, Amando Didenti, took an exception thereto, the exception being allowed.

### TESTIMONY OF AMANDO DIDENTI, IN HIS OWN BEHALF.

Whereupon the defendant, AMANDO DIDENTI, took the witness-stand in his own defense, and testified to the following facts: That he had been working as an extra helper for Mr. Lidsey, the proprietor and operator of that certain grocery store located at Tacoma, Pierce [13] County, Washington, and received therefor for said services as a delivery agent for the proprietor of said store and its customers a commission on deliveries purchased from said store; that on the 2d day of August, 1929, one Joe Pinsitti purchased of and from the said proprietor of said store a certain number of barrels, sugar and yeast, that was later delivered by him, Amando Didenti, at the request of the purchaser, Joe Pinsetto, the said purchaser telling him to first take one Jack Esaro to that certain place about a block from where he was that same evening arrested; that he never had talked with or knew Jack Esaro until that day; that he had no interest in his employment nor knew what his business was; that later that evening the said Joe Pinsetto called upon him at the store where he was working and gave him the address for the first

(Testimony of Amando Didenti.)

time, where to deliver these said articles, the place being described as located on 64th Street near the city of Tacoma, Washington, and paid him in advance therefor, the sum of \$7.50; that after he was through with his work at about 8 o'clock he went and had his dinner across the street, had a shave, and having finished the day's work he proceeded to the delivery of the articles mentioned as were found in the car when he was arrested; that at the time of arrest he disclaimed any connection with the operation of said still, or that he knew who *operating* the same at any time and denied that he had ever met or conversed with Harold Bird or G. H. Griffith earlier in the day, and upon cross-examination he admitted that two or three years previous he had pleaded guilty and paid a fine of one hundred dollars, for having in his possession a gallon jug of alcohol.

TESTIMONY OF JACK ESARO AND JOHN HUGGLER, FOR DEFENDANT.

Whereupon JACK ESARO and JOHN HUGGLER took the stand in their own defense and testified that neither of them knew the said defendant or ever had any connection with him, and that he never had had [14] anything to do with the operation of the said still. And Jack Esaro, testified as follows: In the early spring of this year I was taken sick and was confined in the Eatonville hospital. After leaving the hospital I was unable

(Testimony of Jack Esaro and John Huggler.)

to do any hard work and came to Tacoma to rest up and get my strength back. On or about July 29th, 1929, Guarrazi made a proposition to me to work for him operating a still. He did not take me to the still. He was to pay me \$150.00 a month, and in case I was arrested \$50.00 per month while I was in jail. On August 2d, 1929, Amando Didenti came to my house at 3801 North Adams Street, and took me in his car near the Huggler Ranch on East 64th Street, Tacoma, Washington, where the still was located. My instructions from Guarrazino Guarrazi were to clean up the still-house and wait for him. I was waiting for him, G. Guarrazi to come, when the officers placed Huggler and myself under arrest. They arrested Amando Didenti, when he drove into the place. I was weak from my recent illness, out of work, and had no money. I had tried to get any kind of work that I was able to do, but had been unsuccessful, and as \$150.00 per month was more money than I had ever made before, it looked big to me; and because Guarrazino Guarrazi had told me there was no danger I took the chance.

Whereupon, at the close of the case and after the Court had given its instructions, the jury retired to deliberate upon their verdict, and on the 16th day of December, 1929, the jury returned into court with a verdict of not guilty of both counts of indictment upon which both Jack Esaro and John Huggler were tried, and found defendant, Amando Didenti, guilty of Count One thereof, and

not guilty as to Count Two of said indictment, which was by the Court received and placed on file.

Whereupon, the defendant, Amdando Didenti, *filed for a new* [15] trial and an arrest of judgment, said motions coming on regularly to be heard on the 23d day of December, 1929; the Court after hearing said motions denied both of them, and an exception was taken by the defendant, said motion being overruled, and an exception allowed thereto.

Whereupon, the Court sentenced defendant as follows: That the defendant be sentenced to eight months on Count One of said conviction in the Pierce County Jail, Tacoma, Washington, and pay the costs connected with said cause.

Whereupon, the Court fixed the amount of the bail and supersedeas bonds for the defendant upon appeal, in the sum of two thousand dollars thereafter, and on the 27th day of December, 1929, the defendant seasonable gave notice of appeal by serving and filing in proper form, his notice of appeal.

T. D. PAGE,

Attorney for Defendant.

Joseph A. Mallery, Asst. U. S. Atty., appearing on the 15th day of Feb. 1930, and stating the preceding pages and this page contain a true statement of the evidence, and defendant's attorney not appearing, the foregoing is settled as a bill of exceptions.

EDWARD E. CUSHMAN,

Judge.

[Endorsed]: Filed Feb. 15, 1930. [16]

NOTICE OF APPEAL.

To the Judge and Clerk of the Above-entitled Court, and to ANTHONY SAVAGE, United States District Attorney.

You will hereby take notice that the above-named defendant, Albert Didenti, hereby appeals to United States Circuit Court of Appeals for the 9th Judicial Circuit from the order and judgment entered in the above-entitled cause on the 23d day of December, 1929, and that the certified transcript of the record will be filed in the Circuit Court of Appeals within 30 days from the filing of this notice.

Dated at Tacoma, Washington, this 27th day of December, 1929.

T. D. PAGE,  
Attorney for Appellant.  
521 McDowall Bldg.,  
Seattle, Washington,  
Elliott 5052.

Copy received this 27 day of Dec., 1929.

JOSEPH A. MALLERY.

[Indorsed]: Filed Dec. 27, 1929. [17]

## CITATION.

United States of America,—ss.

President of the United States of America to the United States of America and ANTHONY SAVAGE, United States Attorney, for the Western District of Washington, Southern Division.

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals for the 9th Circuit Court, in the city of San Francisco, State of California, within 30 days from date hereof, *persuain* to an appeal allowed by the District Court of the United States for the Western District of Washington, Southern Division, wherein Amando Didenti is appelland and the United States of America is appellee, to show cause, if any you may have, why the judgment rendered against said appelland as in said appeal mentioned should not be corrected and why speedy justice should not be done to the party in that behalf.

WITNESS, the Honorable EDWARD E. CUSHMAN, Judge of the District Court of the United States of America in and for the Western District of Washington, Southern Division, this 9th day of April, 1930.

EDWARD E. CUSHMAN,  
District Judge.

Attest: ED M. LAKIN,  
Clerk.

By S. E. Leitch,  
Deputy. [18]



COURT ORDER ALLOWING APPEAL.

Upon motion, the defendant having filed assignment of errors,—

IT IS ORDERED that the appeal as prayed for be and the same is hereby allowed, the appeal to operate as a supersedeas. The bail bond on appeal is hereby affixed in the sum of Twenty Hundred (\$2000) Dollars.

Dated at Tacoma, Washington, this 27th day of December, 1929.

EDWARD E. CUSHMAN,  
Judge.

[Indorsed]: Filed Dec. 27, 1929. [19]

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ASSIGNMENT OF ERRORS.

Comes now the above-named appellant, Albert DeDenti, by his attorney, T. D. Page, and says: That in the record and proceedings in the above-entitled cause there is manifest error in this to wit:

I.

The lower Court erred in failing to direct a verdict of acquittal for the defendant Albert DeDenti, upon the ground that there was not sufficient evidence of guilt to *go the* jury, said motion being taken by defendant at the close of the Government's case against defendant, said motion being overruled and exception taken thereto.

## II.

The said motion was interposed by the defendant at the close *at the close* of defendant's introduction of testimony, the same was overruled by the Court and exception taken thereto.

## III.

The lower Court erred in entering judgment and sentence of the defendant, Albert DiDenti.

## IV.

The lower Court *erred denying* defendant's motion for new trial heretofore interposed.

## V.

That the lower Court erred in denying motion in arrest of judgment heretofore interposed by the defendant.

WHEREFORE, the said Albert DiDenti prays that the order and judgment of the aforesaid be reversed and that the said Court be directed to dismiss the charges against said defendant, and release the defendant from further custody, or grant defendant, Albert DiDenti, a new trial.

T. D. PAGE,  
Attorney for Appellant,  
521 McDowall Bldg.,  
Seattle, Washington. [20]

[Indorsed]: Filed in the United States District Court, Western District of Washington, Southern Division. Ed M. Lakin, Clerk. By E. Redmayne, Deputy. [21]

## APPEAL BOND.

KNOW ALL MEN BY THESE PRESENTS: That we, Amando Didenti, as principal, and Albert Innocenti and Adelina Innocenti, husband and wife, and Nelson Didenti and Polly Didenti, husband and wife, as sureties, do jointly and severally acknowledge themselves to be indebted to the United States of America in the sum of Two Thousand Dollars (\$2,000.00), lawful money of the United States, to be levied on our goods and chattels, lands and tenements, upon the following conditions:

The condition of this obligation is such that whereas the above-named defendant, Amando Didenti, was on the 23d day of December, 1929, sentenced in the above-entitled court to be imprisoned in the Pierce County Jail for a period of eight months, having been convicted on Count I for violation of Section 37, Penal Code (conspiracy to violate the National Prohibition Act);

AND WHEREAS said defendant has sued out a notice of appeal to the Circuit Court of Appeals of the United States for the Ninth Circuit to review said judgment;

AND WHEREAS the above-entitled court has fixed the defendant's bond to stay execution of said judgment, in the sum of Two Thousand Dollars (\$2,000.00),—

NOW, THEREFORE, if the said defendant, Amando Didenti, shall diligently prosecute said appeal and shall render himself amenable to all orders

which said Circuit Court of Appeals shall [22] make or order to be made in the premises, and to all process issued or ordered to be issued by said Circuit Court of Appeals and shall not leave the jurisdiction of this court without permission being first granted and shall render himself amenable to any and all orders made or entered by the District Court of the United States for the Western District of Washington, Southern Division, then this obligation shall be void; otherwise to remain in full force and effect.

AMANDO DIDENTI,  
Principal.

NELSO DIDENTI,  
POLLY X DIDENTI,  
T. D. PAGE,  
Witness.

ALBERT INNOCENTI,  
ADELINA INNOCENTI,  
Sureties.

Dated at Tacoma, Washington, this 27th day of December, 1929.

Approved.

EDWARD E. CUSHMAN,  
Judge. [23]

United States of America,  
Western District of Washington,  
Southern Division,—ss.

Albert Innocenti and Adelina Innocenti, husband and wife, sureties on the annexed recognizance, be-

ing duly sworn, depose and say that they reside in Tacoma, Washington, in said District, that they are freeholders in the Western District of Washington; and that they are worth the sum of \$2,000.00, over and above all their just debts and liabilities in property subject to execution and sale, and that their property consists of a house and lot located at 2120 North Union Avenue, in Tacoma, Washington, of the reasonable value of \$7,000.00, clear of all encumbrances.

ALBERT INNOCENTI.

---

Subscribed and sworn to before me this 27th day of December, 1929.

[Seal]

WESLEY LLOYD,  
Notary Public, Tacoma, Wash.

United States of America,  
Western District of Washington,  
Southern Division,—ss.

Nelso Didenti and Polly Didenti, husband and wife, sureties on the annexed recognizance, being duly sworn, depose and say that they reside in Tacoma, Washington, in said District, that they are freeholders in the Western District of Washington and that they are worth the sum of \$2,000.00, over and above all their just debts and liabilities in property subject to execution and sale, and that their property consists of a house and lot located at 4856

Sixth Avenue in Tacoma, Washington, of the reasonable value of \$6,000.00, clear of all encumbrances.

NELSO DIDENTI.

POLLY X DIDENTI.

T. D. PAGE,

Witness.

Subscribed and sworn to before me this 27th day of December, 1929.

[Seal]

WESLEY LLOYD,

Notary Public, Tacoma, Wash.

[Indorsed]: Filed Jan. 2, 1930. [24]

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PRAECIPE FOR TRANSCRIPT OF RECORD.

To the Clerk of the Above-entitled Court:

Please make up transcript of the record and certificate to the Circuit Court of Appeals, 9th Judicial Circuit, the following papers and records in the above-entitled cause:

1. Information.
2. Verdict of the jury.
3. Judgment and sentence of the Court.
4. All journal entries or orders made by the Court denying each and all motions made by defendant.
5. Notice of appeal, together with citation and order allowing appeal.
6. Order for supersedeas and cost bond.
7. Assignment of errors.
8. Bill of exception, together with judges certificate.

9. Supersedeas bond.
10. Praecept for transcript of the record.
11. *Clerk* certificate of the record.

T. D. PAGE,  
Attorney for Appellant,  
521 McDowall Bldg.,  
Seattle, Washington.

[Indorsed]: Filed Mar. 14, 1930. [25]

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CERTIFICATE OF CLERK U. S. DISTRICT  
COURT TO TRANSCRIPT OF RECORD.

United States of America,  
Western District of Washington,—ss.

I, Ed M. Lakin, Clerk of the District Court of the United States for the Western District of Washington, do hereby certify that the foregoing pages numbered from one to twenty-six, inclusive, are a full, true and correct copy of so much of the record and proceedings in the case of the United States of America, Plaintiff, versus Amando Didenti et al., Defendants, in Cause No. 14,134 in said District Court, as is required by praecipe of counsel for appellant Amando Didenti filed and shown herein, and as the originals thereof appear on file and of record in my office at Tacoma, in said District.

I further certify that I hereto attach and transmit the original citation in said cause.

I further certify that the following is a full, true and correct statement of all expenses, fees and

charges incurred in my office on behale of the ap-  
pellant herein for making the record, certificate and  
return to the United States Circuit Court of Ap-  
peals for the Ninth Circuit in the above-entitled  
cause, to wit:

Clerk's Fees (Act Feb. 11, 1925) for making record, certificate and return, 49 folios @ 15¢ ea.....	7.35
Appeal .....	5.00
Seal .....	.50

IN WITNESS WHEREOF, I have hereunto set  
my hand and affixed the seal of said District Court  
at Tacoma, Washington, this 14th day of April,  
A. D. 1930.

[Seal]

ED M. LAKIN,  
Clerk.

By Alice Huggins,  
Deputy Clerk. [26]

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[Endorsed]: No. 6175. United States Circuit  
Court of Appeals for the Ninth Circuit. Amando  
Didenti, Appellant, vs. United States of America,  
Appellee. Transcript of Record. Upon Appeal  
from the United States District Court for the West-  
ern District of Washington, Southern Division.

Filed June 25, 1930.

PAUL P. O'BRIEN,  
Clerk of the United States Circuit Court of Appeals  
for the Ninth Circuit.